

California Regional Water Quality Control Board
Santa Ana Region

July 19, 2002

ITEM: 8

SUBJECT: TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR
THE SANTA ANA RIVER BASIN (BASIN PLAN)

DISCUSSION

The purpose of this hearing is to give the public additional opportunity to comment on the proposed Triennial Review Priority List and Work Plan, and for the Regional Board to consider adoption of proposed Resolution No. R8-2002-0070, approving the Triennial Review Priority List.

Federal and State Law both mandate periodic review of water quality control plans (basin plans). Federal law requires that the review be completed every three years (hence the term "Triennial Review"). Public participation is an important part of this process. On April 26, 2002, the Regional Board conducted a workshop to solicit comments on staff's draft Triennial Review list, which identified 28 Basin Plan issues, their proposed priority, and the resources expected to be necessary to address them. Over 900 announcements of this Triennial Review workshop were mailed to interested parties.

At the April 26, 2002, workshop, staff explained that the Regional Board's current and assumed future budget for Triennial Review related activities is 1.6 Personnel Years (PY). At this funding level, only the first 6 or 7 issues on the proposed priority list could be addressed by staff during this Triennial Review. As a result, the Regional Board directed staff to determine whether there is stakeholder interest in committing resources to assist the Board in studies of priority Triennial Review issues.

In response to the Board's direction, on June 14, 2002, Board staff held a meeting of interested stakeholders. Notice of this meeting was mailed to interested parties. The 16 participants at the meeting (representing 10 public agencies and 3 private sector associations) all expressed interest in providing financial support for one or more Triennial Review issues, but indicated their need to understand the level of participation by the Board and Board staff that could be expected before making specific commitments. Further, the stakeholders pointed out that there had not been sufficient time to develop specific proposals. Finally, there were many questions about the process for and timing of stakeholder participation, and whether and how this participation would be factored into the proposed Triennial Review Priority list. The meeting discussion centered on these process and timing issues.

Briefly, in response to the concerns and questions raised, Board staff indicated our agreement that it would be crucial to have Regional Board/Board staff participation in any studies conducted so that all parties would be assured that the results would ultimately be considered valid. This would include participation in the development of scopes of work, consultant selection, and the conduct of the studies. We indicated that if

and when specific proposals for Triennial Review studies are presented by the stakeholders, we would estimate the resources necessary for our participation and recommend to the Regional Board appropriate revisions to the Triennial Review list. We emphasized the need for broad stakeholder input and representation throughout this process, via peer review committees and the like, to assure that all interests have adequate opportunity to participate. Board staff also emphasized that there could not be any guarantees regarding the outcome of any studies conducted. These studies might, but would not necessarily result in Basin Plan amendments. Further, if Basin Plan amendments were to be considered, they might or might not reflect the desires of the stakeholders.

There was particular interest in item 12 on the draft list, that is, the consideration of Water Code Section 13241 factors in relation to compliance with water quality objectives during wet weather. It was suggested that review of this item might support work on other items on the proposed Triennial Review list (e.g. the addition of water bodies such as Buck Gully, Los Trancos Canyon Creek and the Santa Ana Delhi Channel, and the designation of appropriate beneficial uses for those waters).

A letter was submitted by the Orange County Public Facilities and Resources Department on behalf of the Cities of Santa Ana, Irvine, Tustin, Newport Beach and Lake Forest, the Riverside and San Bernardino County Flood Control Departments, the Irvine Ranch Water District, and the Southern California Water Quality Coalition (representing homeowners associations, business and income property owners, chambers of commerce, etc.) expressing their interest in participating in Triennial Review studies. Similar letters were submitted by the City of Santa Ana and the City of Irvine after the June 14, 2002 meeting. Copies of these letters are attached to this report (Attachment E).

Board staff had an opportunity to discuss these matters further with these stakeholders during a teleconference on June 27, 2002. At that time, the stakeholders discussed their rough draft of the action items that they believed would comprise a Water Code Section 13241 analysis. It became evident to staff that these stakeholders are contemplating, at least preliminarily, major, complex, and likely controversial work to evaluate not only water quality objectives in relation to the 13241 factors, but also to review beneficial uses. The beneficial use review would almost certainly entail use attainability analyses. This work would likely address, or at least support, work on Triennial Review tasks other than the consideration of the 13241 factors, including the revision of the REC-1 and REC-2 bacterial objectives for surface waters, and the designation of beneficial uses for waterbodies proposed to be added to the Basin Plan (e.g., Buck Gully, Santa Ana Delhi Channel, etc.).

Given the magnitude, and likely expense, of the work that would be involved, it is probable that a phased approach to the studies would be recommended. The stakeholders again indicated to Board staff their firm commitment to provide the financial resources necessary to complete this work. There was discussion of the need to work with Board staff to define the objectives of these studies and to develop scopes of work. Obviously, this would require the expenditure of Board staff Triennial Review resources, which could impact staff's ability to work on other Triennial Review issues. Board staff believes that it would be appropriate to dedicate the resources (estimated at 0.5PY) to work with the stakeholders in the development of scopes of work for these studies, since we believe that this would include work that would be necessary in any event in order to

complete other Triennial Review tasks. This includes work to review REC-1/REC-2 bacterial objectives, and, likely, the designation of beneficial uses for added water bodies. The draft Triennial Review Priority list has been revised accordingly. These changes include placing the 13241 factors analyses as Issue No. 4, with a revised estimate for staff expenditure (from 2.0 PYs to 0.5 PYs) to reflect the fact that our participation would be in an advisory capacity. Also, given that staff's work related to the 13241 analyses will likely affect work on the REC-1/REC-2 bacterial objective review and the addition/beneficial use designation of new waterbodies, these issues have been placed as Issues No. 7 and 8, respectively (rather than their original proposed ranking as Issues No. 4 and 5). The resource estimate for the REC-1/REC-2 objective review has also been revised (from 0.9 to 0.5 PYs). It should be emphasized that both of these issues should remain fundable with current Triennial Review resources and that it is staff's expectation that work will be conducted/completed on these items during this Triennial Review period.

In addition, a commitment to fund all work associated with the designation of new reaches of existing streams, including Lytle Creek, Mill Creek, and parts of the Santa Ana River, to more accurately assign beneficial uses has been made by the FERC Water Agencies Task Force. This Task Force includes the following cities/agencies: San Bernardino Valley Municipal Water District, City of Redlands, Yucaipa Valley Water District, East Valley Water District, West San Bernardino Water Conservation District, Big Bear Lake Municipal Water District, City of San Bernardino, Bear Valley Mutual Water Company, Crafton Water Company, and San Bernardino Water Conservation District. (This work was identified as Issue No. 10 in the draft Triennial Review list presented at the April 26, 2002 workshop. In response to comments by Board member Solorio at that workshop, staff now proposes that this issue be moved up on the priority list to Issue No. 5). A copy of the e-mail correspondence indicating this commitment is included in Attachment E. In light of this resource commitment, staff has modified the estimate for resources necessary to work on this issue from 0.2 PY to 0.1 PY.

Finally, the resources shown for incorporating revised nutrient objectives for San Diego Creek into the Basin Plan (Issue No. 3 on the priority list) have been reduced from 0.2 to 0 PY for 2002/2003. It must be emphasized that work to develop these nutrient objectives will continue during this time, supported by TMDL implementation funds. However, staff does not believe that we will be in a position to recommend Basin Plan amendments to incorporate the revised San Diego Creek nutrient objectives during 2002/2003. This is because of the unexpected complexity of revising these objectives, and the certainty that work on the objectives will not be completed during 2002/2003. The resources (0.2 PYs) that would have been used to incorporate these objectives into the Basin Plan during 2002/2003 have instead been allocated to other Triennial review issues.

The following attachments are part of this report:

- Attachment A – Tentative Resolution No. R8-2002-0070
- Attachment B - Table 1 – Triennial Review Priority List and Work Plan
- Attachment C - Discussion of Issues

Attachment D - Response to Comments

Attachment E - Stakeholder Correspondence

These documents have also been posted at www.swrcb.ca.gov/rwgcb8 , the Regional Board's web site.

RECOMMENDATION:

Board Staff recommends adopting Resolution No. R8-2002-0070, approving the proposed Triennial Review Priority List and Work Plan.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8 – 2002 – 0070

Adoption of Prioritized List of Issues to be Addressed
in the Basin Plan Triennial Review

WHEREAS:

1. Section 303 (c) of the Clean Water Act requires that states hold public hearings for review of water quality standards (beneficial uses, water quality objectives and antidegradation policy) at least once every three years.
2. California Water Code Section 13240 requires that water quality control plans be periodically reviewed. Water quality control plans specify the state's water quality standards.
3. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, and approved by the State Water Resources Control Board (SWRCB) on July 21, 1994. The updated Basin Plan was approved by the Office of Administrative Law (OAL) and became effective on January 24, 1995. The United States Environmental Protection Agency, Region 9 (USEPA) has approved most of the 1994 Basin Plan but has reserved action on certain water quality standards.
4. On April 18, 1997, the Regional Board adopted an amendment to the Basin Plan deleting the bacterial quality objectives specified for ocean waters. This amendment became effective upon approval by the SWRCB and OAL and has been approved by the USEPA.
5. On May 19, 2000, the Regional Board adopted another amendment to the Basin Plan to incorporate language authorizing the inclusion of compliance schedules in NPDES permits. The SWRCB and OAL have approved this amendment. The amendment will become effective upon USEPA approval, which is pending.
6. To comply with the federal and state requirements for review of water quality standards/basin plans, Regional Board staff prepared a proposed list of issues to be addressed in the current triennial review of the Basin Plan. The issues on this list were prioritized, by fiscal year, to reflect both water quality concerns and the availability of needed resources.
7. Copies of the proposed list were distributed to all interested parties for their review and comment.
8. The Regional Board conducted a public workshop on April 26, 2002, to consider a proposed prioritized list of Basin Planning Issues to be addressed in the next three years. Notice of the public workshop was given to all interested parties.

9. To solicit stakeholder input on interest in funding Triennial Review issues, Board staff held a special meeting with interested stakeholders on June 14, 2002. Notice of this meeting was given to all interested parties.
10. The Regional Board conducted a public hearing on July 19, 2002, to consider the adoption of staff's prioritized list. Notice of the public hearing was given to all interested parties and published in accordance with Water Code Section 13244.
11. The Regional Board considered all testimony at the public workshop, June 14, 2002 special meeting, and public hearing regarding the prioritized list of identified Basin Plan Triennial Review issues.

THEREFORE BE IT RESOLVED THAT:

1. The California Regional Water Quality Control Board, Santa Ana Region, adopts staff's prioritized list of issues to be addressed in the current Triennial Review.
2. Areas of the Basin Plan not identified as needing investigation and possible revision are reaffirmed as adequate at the present time. The Basin Plan remains in effect until subsequent amendments are adopted and approved.
3. The Executive Officer is directed to forward copies of this resolution to the State Water Resources Control Board in fulfillment of the requirement of Section 13245 of the Water Code.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on July 19, 2002.

Gerard J. Thibeault
Executive Officer

Table 1
Triennial Review Priority List and Work Plan

Issue No.	Issue Description	Estimated Staff Resources (PYs)				
		FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total PYs
1.	Address the findings of the Nitrogen/TDS Study: <ul style="list-style-type: none"> Revise water quality objectives for TDS and Nitrogen for groundwater Revise groundwater subbasin boundaries Revise wasteload allocations for TDS and TIN Update TDS/Nitrogen strategies in Chapter 5 Consider deletion of water quality objectives/increments for individual mineral constituents (components of TDS) Adopt Reclamation Guidance Document 	[1.0]	[2.0]	[0.5]	0	[3.5] ¹
2.	Incorporate newly adopted or revised TMDL Basin Plan amendments (e.g., TMDLs for the Newport Bay/San Diego Creek Watershed, Chino Basin, Big Bear Lake and Lake Elsinore).	[8.0]	[8.0]	[8.0]	[8.0]	[32.0] ₂
3.	Review nutrient objectives for San Diego Creek. Incorporate revised objectives in Basin Plan.	0.1	0	0.2	0.5	0.8 ³
4.	Consider Water Code Section 13241 factors in relation to compliance with water quality objectives during wet weather (especially costs and need for housing).	0	0.5	0.5	0.5	1.5 ⁴

1. Nitrogen/TDS Taskforce expected to provide these resources.

2. TMDL rather than Basin Planning resources will be used for the all TMDL-related work.

3. Review of these objectives is a nutrient TMDL implementation task to be funded largely with TMDL resources.

4. Stakeholders have indicated a willingness to fund support study of this issue. Staff resources will be used to participate in developing a scope of work, reviewing consultants, taking part in study group meetings, etc.

Table 1
Triennial Review Priority List and Work Plan
(cont.)

Issue No.	Issue Description	Estimated Staff Resources (PYs)				
		FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total PYs
5.	Designate new reaches of existing streams, to more accurately assign beneficial uses: <ul style="list-style-type: none"> San Diego Creek – from upper Newport Bay mean high tide to drop structure upstream of MacArthur Blvd (Reach 1A); include EST Lytle Creek – from Miller Narrows downstream to Interstate 15 (Intermediate Reach); include WARM Mill Creek – from Forest Falls Road downstream to Highway 38 (Intermediate Reach); include WARM Santa Ana River – from Alder Creek downstream to Seven Oaks Dam (Reach 6); include WARM Santa Ana River – from Alder Creek to Headwaters (Reach 7); remain COLD 	0.1	0.1	0.15	0	0.35 ⁵
6.	Develop criteria for wetlands impact mitigation. Revise wetlands discussion to be consistent with current regulations.	0.1	0.1	0.2	0	0.4
7.	Revise objectives for REC-1 and REC-2 uses for surface waters based on USEPA's national criteria (<i>E. coli</i> and enterococci). Add rationale for the 2.2 mpn/100 ml coliform discharge limit for POTWs discharging to the Santa Ana River and its tributaries.	0.2	0.5	0.9	0	1.6
8.	Add the following water bodies to the Basin Plan, and assign appropriate beneficial uses including REC-1, REC-2, WARM, and WILD: <ul style="list-style-type: none"> Buck Gully, Los Trancos Canyon Creek, Muddy Canyon Creek, Pelican Hill Waterfall, Pelican Point Creek, Pelican Point Middle Creek, and Santa Ana Delhi Channel 	0.1	0.4	0.4	0	0.9
9.	Remove site specific objectives for copper, cadmium, and lead for middle Santa Ana River reaches and their tributaries.	0	0.2	0	0	0.2

5. Stakeholders with interests along Lytle Creek, Mill Creek and the upper reaches of the Santa Ana River have committed to support studies of this issue. Staff resources will be used in to participate in stakeholder group's studies.

Table 1
Triennial Review Priority List and Work Plan
(cont.)

Issue No.	Issue Description	Estimate Staff Resources (PYs)				
		FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total PYs
10.	Establish water quality objectives for Mill/Cucamonga Creek at Prado Basin.	0	0.2	0.2	0	0.4
11.	Review ammonia objectives based on 1999 USEPA national criteria.	0	0.2	0.25	0	0.45
12.	Revise numeric objective for residual chlorine for discharges to surface waters.	0.1	0.5	0.4	0.1	1.1
13.	Substantive editorial changes: <ul style="list-style-type: none"> • Add narrative on Alaska Rule • Add narrative on implementation procedures for turbidity • Add narrative on implementation procedures for toxic objectives • Revise Section 3 Beneficial Use Tables narrative to incorporate Tributary Rule • Revise Section 5 Prohibitions Applying to Inland Surface Waters (saline discharges) • Revise Section 5 Prohibitions Applying to Inland Surface Waters (sewage discharges) 	0	0.2	0.2	0.3	0.7
14.	Review/revise beneficial uses designations for the following water bodies: <ul style="list-style-type: none"> • Irvine Lake – add IND and COMM • San Diego Creek – add RARE (all reaches) • Lytle Creek (valley reach) – add RARE • Cajon Creek (valley reach – add RARE • City Creek (valley reach) – list reach individually, assign beneficial uses, and designate beneficial uses “X” (existing); add RARE • Peters Canyon Wash – list individually, assign beneficial uses, and designate beneficial uses “X” • San Sevaine Creek – list individually, assign beneficial uses, and designate beneficial uses “X” • Laguna Reservoir – review MUN exception • Lambert Reservoir – review MUN exception • Peters Canyon – review MUN exception • Siphon Reservoir – review MUN exception • Santa Ana River (Reach 4) – add RARE • Shay Meadows – add RARE; change beneficial uses from “I” (intermittent) to “X”. 	0.3	0.1	0.2	0.3	0.9

Table 1
Triennial Review Priority List and Work Plan
(cont.)

Issue No.	Issue Description	Estimated Staff Resources (PYs)				
		FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total PYs
15.	Add discussion of Designated Maintenance Area ordinances as an avenue of compliance with Prohibitions Applying to Groundwaters, in Chapter 5.	0	0.05	0.1	0	0.15
16.	Reevaluate temperature criteria to ensure full protection of aquatic life.	0	0	0	0.25	0.25
17.	Update dissolved oxygen objectives for WARM/COLD beneficial uses.	0	0	0	0.25	0.25
18.	Review silver water quality objective for groundwater.	0	0	0	0.25	0.25
19.	Revise Animal Confinement Facilities (Dairies) discussion in Chapter 5.	0	0	0	0.25	0.25
20.	Develop and adopt biological criteria for managing water quality.	0	0	0	2.0	2.0
21.	Santa Ana River, Reach 3 – add TOC water quality objective.	0	0	0.1	0	0.1
22.	Update the discussion of implementation of the antidegradation policy in Chapter 2 to address non-point source pollution.	0	0	0	0.2	0.2
23.	Review Methylene Blue-Activated Substances (MBAS) water quality objective for surface waters.	0	0	0	0.05	0.05
24.	Santa Ana River, Reach 3 – clarify the COD water quality objective.	0	0	0.1	0	0.1
25.	Update Chapter 5 Prohibitions Applying to Inland Surface Waters to include lakes.	0	0	0.1	0	0.1

Table 1
Triennial Review Priority List and Work Plan
(cont.)

Issue No.	Issue Description	Estimated Staff Resources (PYs)				
		FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total PYs
26.	Update Chapter 5 Disposal of Hazardous and Nonhazardous Waste to reflect loss of SWAT Program.	0	0	0	0.05	0.05
27.	Consider need for clarification of Chapter 5 Minimum Lot Size Requirements and Exemption Criteria for New Developments (using on-site sewage disposal systems).	0	0	0	0.1	0.1
28.	Update the SLIC Program discussion in the Basin Plan.	0	0	0	0.05	0.05
29.	Review Basin Plan nutrient objectives for surface waters. Revise Plan to incorporate revised objectives, as appropriate.	0	0	0	1.0	1.0
	Resources for Triennial Review	0.6	0.1			0.7
	SUBTOTAL	<u>10.6</u>	<u>13.15</u>	<u>12.5</u>	<u>14.15</u>	<u>50.4</u>
	Funding supported by TMDL resources	[8.0]	[8.0]	[8.0]	[8.0]	[32.0]
	Funding supported by N/TDS Study resources	[1.0]	[2.0]	[0.5]	0	[3.5]
	TOTAL TRIENNIAL REVIEW RESOURCES (subtotal resources minus funding supported by TMDL and N/TDS resources, and by interested parties)	<u>1.6</u>	<u>3.15</u>	<u>4.0</u>	<u>6.15</u>	<u>14.9</u>

2002 TRIENNIAL REVIEW DESCRIPTION OF ISSUES

Issue No. 1

Address the findings of the Nitrogen/TDS study.

The 1995 Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) identifies the buildup of salts, including total dissolved solids (TDS) and nitrates, in the waters of the Region as one of the Region's most significant water quality problems. Many of the TDS and nitrogen water quality objectives established in the 1975 Basin Plan are being exceeded. The Basin Plan includes a TDS and nitrogen management plan intended to address this problem.

Wastewater reclamation activities tend to add to the mineralization problem and as a result, the TDS/Nitrogen Management Plan in the Basin Plan includes limited reclamation activities.

During the 1995 revision of the Basin Plan, a number of wastewater and water supply agencies expressed concern that this TDS/Nitrogen Management Plan limits available wastewater reclamation opportunities in this area of increasing water demand but limited supply. These agencies, through the Santa Ana Watershed Project Authority (SAWPA), have been conducting a watershed-wide review to evaluate the TDS/Nitrogen Management Plan. The overall goal of the study is to consider whether it is appropriate to revise groundwater subbasin boundaries and respective TDS and nitrogen water quality objectives, and to develop a regulatory approach consistent with the Basin Plan and state and federal law and policy that will allow for increased reclamation opportunities in the watershed. Results of the N/TDS review may lead to adoption of a Reclamation Guidance Document (RGD) and the following amendments to the Basin Plan:

- Revision of water quality objectives for TDS and nitrogen for groundwater;
- Revision of groundwater subbasin boundaries;
- Revision of wasteload allocations for TDS and TIN;
- Update of TDS/nitrogen strategies in Chapter 5; and
- Possible deletion of water quality objectives/increments for individual mineral constituents (components of TDS);
- Adopt reclamation guidance document.

Estimated Resources:

Total Staff time:	3.5 PY (these resources to be provided by N/TDS study Task Force)
Contract:	(undetermined; to be provided, if necessary, by N/TDS study Task Force)
Duration:	4 years

Issue No. 2

Incorporate newly adopted or revised TMDL Basin Plan amendments (e.g., TMDLs for Newport Bay/San Diego Creek Watershed, Chino Basin, Big Bear Lake and Lake Elsinore).

Pursuant to Section 303(d) of the Clean Water Act (CWA), the Regional Board has identified a number of waterbodies in the Region as impaired due to various pollutants. For any waterbody listed as impaired, the CWA requires that a TMDL be established. The TMDL is the allowable amount of a pollutant that can be discharged from all sources, both point and nonpoint, and still ensure that water quality standards are achieved (water quality objectives are met and beneficial uses are protected).

TMDL development was initiated or completed for certain waterbodies/pollutants during the last triennial review cycle. Implementation of approved TMDLs is an ongoing task. During the next

3 year period, Board staff expects to develop TMDLs, and the associated implementation plans, for inclusion in the Basin Plan for the following waterbodies:

- Newport Bay and San Diego Creek for toxic substances, including selenium, diazinon and chlorpyrifos;
- Lake Elsinore for nutrients, sediment and toxics;
- Canyon Lake for nutrients and pathogens;
- Big Bear Lake, Summit Creek, Rathbone Creek and Grout Creek for nutrients;
- Big Bear Lake and Rathbone Creek for sediment;
- Knickerbocker Creek (Big Bear Lake tributary) for pathogens; and,
- Chino Creek, Cucamonga Creek/Mill Creek, Santa Ana River (Reach 3) for pathogens.

Estimated Resources:

Total Staff time: 32 PYs (to be supported by TMDL funds)
Contract \$: \$1,200,000
Duration: 4 years

Issue No. 3

Review Nutrient Objectives for San Diego Creek. Incorporate revised objectives in the Basin Plan.

In 1998, the Regional Board approved a nutrient total maximum daily load (TMDL) for the Newport Bay/San Diego Creek watershed to address eutrophic conditions (nutrient over-enrichment). The TMDL requires the Regional Board to review and revise as necessary the nutrient (total inorganic nitrogen) water quality objectives for San Diego Creek, Reaches 1 and 2, that are now specified in the Basin Plan. These objectives were intended to address the protection of underlying groundwater quality and not necessarily in-stream or in-bay eutrophication. Studies are underway to consider appropriate objectives.

Estimated Resources:

Staff time: 0.8 PY (TMDL funds will be used to conduct most of the work); 0.8 PY of Basin Planning Resources are expected to be required to support amendment of the Basin Plan to incorporate any new objectives
Contract \$: \$155,550
Duration: 4 years

Issue No. 4

Consider Water Code Section 13241 factors in relation to compliance with water quality objectives during wet weather (especially costs and need for housing).

During the consideration of reissuance of the areawide stormwater NPDES permit for those parts of Orange County within the Santa Ana Region, the co-permittees expressed concern about their ability to comply, and the costs of compliance, with established water quality objectives during wet weather. The co-permittees questioned whether the factors cited in Section 13241 of the California Water Code, especially costs and the need for housing in the area had been taken into account in establishing the objectives. The adopted permit states that Board staff would recommend that this matter be placed on the Triennial Review list. Staff believes that such a review would likely be a major undertaking. The Board's stakeholder community has expressed a strong interest in and tentative commitment to undertaking the studies necessary address this issue. Staff resources would be used to participate in stakeholder-led efforts to develop scopes of work, screen and select consultants, take part in study group meetings, etc.

Estimated Resources:

Staff time: 1.5 PY
Contract \$: undetermined
Duration: 3 years

Issue No. 5

Designate new reaches of existing streams, to more accurately assign beneficial uses.

In order to more accurately assign existing wildlife habitat beneficial uses, a number of new reaches of currently listed waters should be designated, including the following:

- San Diego Creek – from Upper Newport Bay mean high tide to drop structure upstream of MacArthur Blvd. (Reach 1A); include EST
- Lytle Creek – from Miller Narrows downstream to Interstate 15 (Intermediate Reach); include WARM;
- Mill Creek – from Forest Falls Road downstream to Highway 38 (Intermediate Reach); include WARM;
- Santa Ana River – from Alder Creek downstream to Seven Oaks Dam (Reach 6); include WARM;
Santa Ana River – from Alder Creek to Headwaters (Reach 7); remain COLD

A task force of stakeholders with interests along Lytle and Mill Creeks and upper reaches of the Santa Ana River have committed to support studies of this issue. Staff resources will be used to participate in task force activities.

Estimated Resources:

Staff time: 0.35 PY
Contract \$: none
Duration: 3 years

Issue No. 6

Develop criteria for mitigating impacts to wetlands and other Waters of the State. Revise wetlands discussion to be consistent with current regulations.

Staff proposes to develop regional criteria for determining appropriate mitigation when wetlands and other Waters of the State are impacted by various construction activities, primarily those involving dredging and filling. Dredging and filling activities are subject to:

- Permits issued by the U.S. Army Corps of Engineers under Clean Water Act (CWA) Section 404; and,
- Water quality standards certifications issued by the SWRCB or Regional Board (under CWA Section 401).

In some cases, waste discharge requirements are adopted by the Board (pursuant to the California Water Code) for dredge and fill projects. These regulatory actions implement federal and state requirements for “no net loss of wetlands” as a result of land use practices, and state and federal policies encouraging the expansion of existing wetlands and creation of new ones.

Successful mitigation of the loss of wetlands and other Waters of the State depends on a number of factors, including consideration of the ecological functions and values of the impacted area, and the location of the proposed mitigation (within or outside of the impacted watershed), among others. The criteria that staff proposes to develop will enable both staff and the regulated community to more easily and consistently determine appropriate mitigation projects when wetlands and other Waters of the State are affected by construction or development.

Estimated Resources:

Staff time:	0.4 PY
Contract \$:	none
<u>Duration:</u>	3 years

Issue No. 7

Revise bacterial objectives for REC-1 and REC-2 uses for surface waters based on USEPA's national criteria (*E. coli* and enterococci). Add rationale for the 2.2 mpn/100 mL total coliform discharge limit for POTWs discharging to the Santa Ana River and its tributaries.

The 1995 Basin Plan includes a bacterial quality objective for REC-1 waters of a log mean of <200 fecal coliform organisms per 100 mL based on five or more samples per 30 day period. This objective is widely established both in California and the nation as a whole. It was based on studies conducted at bathing beaches in Ohio, Illinois and New York in the late 1940s and early 1950s by the United States Public Health Service. These early studies did not well address or define the relationship between water contaminated with treated sewage and health risks for swimmers. In 1986, the EPA published national criteria guidance *Ambient Water Quality Criteria for Bacteria – 1986* (EPA 440/5-84-002), recommending the use of *Escherichia coli* and enterococci as indicator bacteria. The epidemiological data upon which the criteria guidance is based indicate that *E. coli* and enterococci are better correlated with health effects related to water-contact recreation. USEPA's Action Plan for Beaches and Recreational Waters (EPA/600/R-98/079, March 1999) calls for all states to adopt bacterial standards that are consistent with current EPA guidance by 2003. The use of *E. coli* and enterococci as bacterial indicators is reflected in Title 17 of the California Code of Regulations, Sec. 7956 *et seq.*, regulations for public beaches and ocean water-contact sports areas. These regulations implement Assembly Bill 411.

In regulating the discharge of treated municipal wastewater to the Santa Ana River and other waters that are used for water contact recreation, the Regional Board has implemented the recommendations of the Department of Health Services. The Department's recommendations derive, in part, from the science underlying the Reclamation Criteria developed by the Department for various recycled water uses, including discharges to nonrestricted recreational impoundments. These Criteria are codified in Title 22 of the California Code of Regulations. Briefly, these criteria specify that discharges of recycled water to nonrestricted recreational impoundments (i.e., with REC-1 uses) must be adequately oxidized, coagulated, clarified, filtered and disinfected (tertiary treated or equivalent). The Criteria establish a performance standard of 2.2 mpn/100 mL total coliform to define adequate disinfection. The intent of this standard is to assure that essentially pathogen-free recycled water is produced, for public health protection. The Department also developed wastewater disinfection guidelines for discharges of wastewater to REC-1 surface waters ("Wastewater Disinfection for Public Health Protection"). The disinfection guidelines recommend the same treatment requirements for wastewater discharges to REC-1 waters as those stipulated in Title 22 for supply of recycled water to nonrestricted recreational impoundments, since the public health risks under both scenarios are analogous. Accordingly, to assure the protection of public health, the Board's waste discharge requirements for POTW discharges to REC-1 waters apply this 2.2 mpn/100 mL standard.

Comments have been received regarding this regulatory approach. The comments indicate that: (1) the Reclamation Criteria do not apply to discharges to surface waters and cannot, therefore, be used as the basis of setting effluent limitations in permits for POTW discharges to surface waters; and, (2) there is inconsistency between the 200 fecal coliform organism/100 mL

objective and the 2.2 mpn/100 mL standard included in the Board's permits, and this inconsistency must be addressed before the 2.2 mpn/100 mL standard can be lawfully applied. Findings in the Regional Board's waste discharge requirements have been augmented to provide a more detailed explanation of the basis for implementing this standard. However, explanatory language should also be included in the Basin Plan.

Estimated Resources:

Staff time:	1.6 PY
Contract \$:	none
<u>Duration:</u>	3 years

Issue No. 8

Add the following water bodies to the Basin Plan, and assign appropriate beneficial uses, including REC-1, REC-2, WARM and WILD:

- **Buck Gully, Los Trancos Canyon Creek, Muddy Canyon Creek, Pelican Hill Waterfall, Pelican Point Creek, Pelican Point Middle Creek, and Santa Ana Delhi Channel.**

These waters were not specifically included in the 1995 Basin Plan. Los Trancos, Muddy Canyon and Pelican Point Creeks discharge to Crystal Cove, which is an Area of Special Biological Significance (ASBS), and Santa Ana Delhi Channel discharges to Upper Newport Bay. Appropriate beneficial uses and water quality objectives need to be identified.

Estimated Resources:

Staff time:	0.9 PY
Contract \$:	undetermined
<u>Duration:</u>	3 years

Issue No. 9

Remove site specific objectives for copper, cadmium, and lead for middle Santa Ana River reaches and their tributaries.

Site-specific objectives (SSOs) for copper, cadmium, and lead for the Santa Ana River and certain tributaries were incorporated in the 1995 Basin Plan and submitted for review and approval by the USEPA. EPA reserved action on these SSOs in light of its promulgation of the California Toxics Rule (CTR), which incorporated new scientific information concerning the appropriate objectives for these metals that was not available at the time the SSOs were adopted. EPA reserved action to allow the Regional Board to consider whether it would be appropriate to delete the SSOs and to rely instead upon the CTR. Given the new scientific information, it appears appropriate to withdraw the SSOs in favor of the numeric water quality criteria in the CTR.

Estimated Resources:

Staff time:	0.2 PY
Contract \$:	none
<u>Duration:</u>	1 year

Issue No. 10

Establish water quality objectives for Mill/Cucamonga Creek at Prado Basin.

This is an issue remaining from the 1998 Triennial Review. Cucamonga Creek flows into Mill Creek, which is a major tributary to the Santa Ana River in the Prado area. Currently there are

no water quality objectives for Mill Creek. Appropriate objectives should be developed to assure appropriate regulation of waste discharges and to protect beneficial uses.

Estimated Resources:

Staff time:	0.4 PY
Contract \$:	undetermined
<u>Duration:</u>	2 years

Issue No. 11

Review ammonia objectives based on 1999 USEPA national criteria.

The 1995 Basin Plan incorporated new site-specific objectives for un-ionized ammonia (the toxic form of ammonia) for the Santa Ana River and certain tributaries. These objectives are implemented by limitations on ammonia in waste discharges to these waters. The requisite effluent ammonia limits are also specified in the Basin Plan. Finally, the 1995 Basin Plan includes revised, basin-wide un-ionized ammonia objectives. EPA reserved action regarding approval of these new objectives and requested that Board staff submit additional technical justification.

EPA published revised national criteria guidance for ammonia in the Federal Register on December 22, 1999. The revised criteria are based on new scientific information concerning un-ionized ammonia toxicity. Board staff has advised EPA that given this new science, it does not appear worthwhile to pursue EPA approval of the objectives in the Basin Plan. Staff advised EPA that we would recommend that review of these objectives (and associated implementation provisions) be included in the Triennial Review list. EPA is expected to promulgate criteria for states failing to adopt numerical objectives consistent with the new criteria by 2004.

Estimated Resources:

Staff time:	0.45 PY
Contract \$:	undetermined
<u>Duration:</u>	2 years

Issue No. 12

Revise numeric objective for residual chlorine for discharges to surface waters.

The Basin Plan currently specifies that the chlorine residual in wastewater discharged to inland surface waters shall not exceed 0.1 mg/L. During the 1994 revision of the Basin Plan, the California Department of Fish and Game commented that this objective is not sufficiently stringent to protect aquatic and wildlife habitat beneficial uses. Board staff initially proposed that the objective be revised to 0.05 mg/L; however, comments were received from Chino Basin MWD (now, Inland Empire Utilities Agency) and Metropolitan Water District that this revised objective might not be achievable with existing wastewater treatment technologies. It was suggested that compliance with a more stringent chlorine residual limit could necessitate complete reconfiguration of wastewater treatment plant treatment trains or application of overly expensive, innovative technologies. By contrast, other comments indicated the 0.05 mg/L objective might not be sufficiently protective of aquatic life. More recently, USEPA has commented that a chlorine objective for ambient surface waters, not simply wastewater discharges, should be included in the Basin Plan. EPA indicates that the residual chlorine objectives should be identified based on a consideration of the EPA's 1984 Ambient Water Quality Criteria – Chlorine (EPA 440/5-84-030 Jan. 1985).

One of the high priority issues identified by the Regional Board during the 1994 and 1998 triennial reviews was to evaluate the residual chlorine objective, but it has not been completed to date because of resource constraints.

Estimated Resources:

Staff time: 1.1 PY
Contract \$: (undetermined)
Duration: 4 years

Issue No. 13

Substantive editorial changes

Substantive narrative revisions to the 1995 Basin Plan include the following:

- Add narrative on Alaska Rule. On April 27, 2000, USEPA published a final rule (65 FR 24641) regarding when state water quality standards become effective for CWA purposes. This rule, known as "EPA Review and Approval of State and Tribal Water Quality Standards," provides that state water quality standards, or amendments to such standards, submitted to EPA for approval after May 30, 2000 (effective date of the rule), must be approved by EPA before such standards or amendments may be implemented for CWA purposes. The Basin Plan should be updated to reflect this regulation.
- Add narrative on implementation procedures for turbidity. USEPA has recommended that the Basin Plan should explain how turbidity standards are to be implemented (e.g., how "natural turbidity" is to be determined and what measures are used to control turbidity when the standard is exceeded).
- Add narrative on implementation procedures for toxic substances objectives. The Toxic Substances objective in Chapter 4 of the 1984 Basin Plan was changed to three separate narrative objectives addressing: (1) bioaccumulation of toxic substances; (2) contaminant concentrations in drinking water sources; and (3) water column, sediment and biota toxic pollutant concentrations adversely affecting beneficial uses. USEPA has recommended that the first narrative objective under Toxic Substances should be amended to read: *Toxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to aquatic organisms, other wildlife, and human health.* EPA also recommended that the Basin Plan be revised to include a description of NPDES permit implementation procedures for toxicity related objectives.
- Revise Section 3 Beneficial Use Tables narrative to incorporate Tributary Rule. Current wording is "Specific waters which are not listed have the same beneficial uses as the streams, lakes or reservoirs to which they are tributary or the groundwater basins or subbasin to which they are tributary or overlie." This wording should be broadened to reflect wording in the "Tributary Rule": "(b) In designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters."
- Revise Section 5 Prohibitions Applying to Inland Surface Waters (saline discharges). The Basin Plan does not explicitly prohibit the discharge of acids or caustics (whether neutralized or not), or excessively saline wastes to surface waters. These prohibitions should be added to the plan.
- Revise Section 5 Prohibitions Applying to Inland Surface Waters (sewage discharges). The Basin Plan now prohibits the discharge of untreated sewage to any "surface water streams." This prohibition should be broadened to include "any inland surface water."

Estimated Resources:

Staff time: 0.7 PY

Contract \$: none
Duration: 3 years

Issue No. 14

Review/revise beneficial use designations for the following water bodies:

- Irvine Lake – add IND and COMM
 - San Diego Creek (all reaches) – add RARE
 - Lytle Creek (valley reach) – add RARE
 - Cajon Creek (valley reach) – add RARE
 - City Creek (valley reach) – list reach individually, assign beneficial uses, and designate beneficial uses “X” (existing); add RARE
 - Peters Canyon Wash – list individually, assign beneficial uses, and designate beneficial uses “X”
 - San Sevaine Creek – list individually, assign beneficial uses, and designate beneficial uses “X”
 - Laguna Reservoir – review MUN exception
 - Lambert Reservoir – review all beneficial uses including MUN exception
 - Peters Canyon – review MUN exception
 - Siphon Reservoir – review MUN exception
 - Santa Ana River (Reach 4) – add RARE
 - Shay Meadows – add RARE; change beneficial uses from “I” (intermittent) to “X”
- (1) New (since 1998) information has become available indicating that a number of waters support recently listed rare, threatened and/or endangered species or their habitat; and, therefore, it is appropriate to add the RARE beneficial use to these waters.
 - (2) Additionally, a number of minor streams are collectively listed and assigned beneficial uses in the current Basin Plan. New information indicates the need to review these listings and, if appropriate, individually list and assign beneficial uses to some of these streams.
 - (3) USEPA reserved action on a previous Basin Plan amendment that excepted a number of water bodies for MUN beneficial use. These include several waters that are currently used exclusively for storage of agricultural irrigation water: Laguna Reservoir, Lambert Reservoir, Peters Canyon Reservoir, and Siphon Reservoir. These exceptions need to be reviewed.

Estimated Resources:

Staff time: 0.9 PY
Contract \$: none
Duration: 4 years

Issue No. 15

Add discussion of Designated Maintenance Area ordinances as an avenue of compliance with Prohibitions Applying to Groundwaters, in Chapter 5.

Designated Maintenance Areas (DMAs) need to be recognized in the Basin Plan as a mechanism for exemption from certain waste discharge prohibitions. San Bernardino County staff, working in conjunction with Board staff, developed and implemented a DMA ordinance for the Mill Creek prohibition area that allows on-site disposal systems (OSDS) not conforming to adopted exemption criteria to continue to operate within this prohibition area. Key features of the DMA include bringing existing OSDS up to Plumbing Code requirements, and regular OSDS

inspections by qualified contractors. Board staff determined that compliance with this DMA satisfies the intent of the prohibition. The Basin Plan did not envision DMA compliance as a criterion for exemption, and the Plan should be amended accordingly.

Estimated Resources:

Staff time: 0.15 PY
Contract \$: none
Duration: 2 years

Issue No. 16

Reevaluate temperature criteria to ensure full protection of aquatic life.

The current temperature standard in the Basin Plan protects against adverse effects of heated water discharges on beneficial uses by expressing limits on temperature increases. USEPA has suggested that the temperature objective may be overly general and may not be adequately protective of aquatic life, particularly native species. USEPA's present policy is to protect for the most sensitive species in the water body by season. Optimal temperature values are available for various species for growth and survival at all life stages and should be reviewed.

Estimated Resources:

Staff time: 0.25 PY
Contract \$: undetermined
Duration: 1 year

Issue No. 17

Update dissolved oxygen objectives for WARM/COLD beneficial uses.

Comments from USEPA suggest that the Regional Board should consider optimal levels of dissolved oxygen for various life stages of salmonid fishes and other aquatic species. Criteria recommended by USEPA in 1986 include warm and cold water dissolved oxygen values for embryonic, larval, and other life stages (Ambient Water Quality Criteria for Dissolved Oxygen, EPA 440/5-86-003, April 1986). Values are available for salmonid waters and non-salmonid waters with criteria ranging from "no production impairment" to "limit to avoid acute mortality."

Estimated Resources:

Staff time: 0.25 PY
Contract \$: undetermined
Duration: 1 year

Issue No. 18

Review silver water quality objective for groundwater.

The Basin Plan currently specifies a silver water quality objective of 0.05 mg/L for groundwater. The Maximum Contaminant Level (MCL) for silver has been revised to 0.1 mg/L. The Basin Plan should be updated to reflect the new MCL. This item was on the list of issues for the 1998 Triennial Review, but has yet to be addressed.

Estimated Resources:

Staff time: 0.25 PY
Contract \$: none
Duration: 1 year

Issue No. 19

Rewrite Animal Confinement Facilities (Dairies) discussion in Chapter 5.

The Regional Board's program to address waste discharges from confined animal facilities has evolved significantly, and the Basin Plan should be revised to reflect the current direction of these ongoing activities.

Estimated Resources:

Staff time: 0.25 PY

Contract \$: none

Duration: 1 year

Issue No. 20

Develop and adopt biological criteria for managing water quality

Development of biological criteria was identified in USEPA's *Water Quality Criteria and Standards Plan* (EPA 822-R-98-003, June 1998) as one of six priority objectives for the water quality standards program for this decade. USEPA indicates that the Regional Board should develop bioassessment and biocriteria consistent with USEPA's technical guidance.

Estimated Resources:

Staff time: 2.0 PY

Contract \$: undetermined

Duration: 1 year

Issue No. 21

Santa Ana River, Reach 3 – add TOC water quality objective.

Total organic carbon (TOC) is a direct measure of the organic content in water. The California Department of Health Services (DHS) has published draft (4-23-01) Groundwater Recharge Reuse regulations for groundwater recharge with recycled municipal water. The proposed TOC limit is dependent on the percentage of contribution of recycled water to the groundwater in storage. These regulations are applicable to the Santa Ana River, which is comprised primarily of recycled water and is a significant source of recharge in Orange County. It is appropriate to incorporate a TOC objective for the Santa Ana River, Reach 3, in order to protect the Orange County groundwater recharge activities.

Estimated Resources:

Staff time: 0.1 PY

Contract \$: none

Duration: 1 year

Issue No. 22

Update discussion of the implementation of the antidegradation policy in Chapter 2 to address nonpoint source (NPS) pollution.

The Basin Plan references State Board Resolution No. 68-16 as the State's antidegradation policy. USEPA has recommended that the discussion of implementation of the State's antidegradation policy in the Basin Plan should be expanded to clarify that the State has, in State Board Order No. 86-17 and in an October 7, 1987 guidance memorandum, interpreted Resolution No. 68-16 to be fully consistent with the federal antidegradation policy. Further, the Basin Plan should consider and address how the policy is to be applied to NPS pollution.

Estimated Resources:

Staff time: 0.2 PY
Contract \$: none
Duration: 1 year

Issue No. 23

Review Methylene Blue-Activated Substances (MBAS) water quality objective for surface waters.

MBAS is an indicator for presence of detergents in water. Positive results may indicate the presence of wastewater. The 1995 Basin Plan specifies a MBAS water quality objective of 0.05 mg/L. In 1992, the Department of Health Services updated the MBAS secondary drinking water standard to 0.5 mg/L. The Basin Plan should be updated to reflect the updated standard.

Estimated Resources:

Staff time: 0.05 PY
Contract \$: none
Duration: 1 year

Issue No. 24

Santa Ana River, Reach 3 – Clarify the COD water quality objective.

The Basin Plan specifies water quality objectives for the Santa Ana River, Reach 3, in order to protect Orange County groundwater subbasins. In the 1983 Basin Plan, Reach 3 objectives are specified as filtered objectives; however, the “filtered” specification was inadvertently omitted for COD from the 1995 Basin Plan.

Estimated Resources:

Staff time: 0.1 PY
Contract \$: none
Duration: 1 year

Issue No. 25

Update Chapter 5 Prohibitions Applying to Inland Surface Waters to include lakes.

Section B.1. on page 5-5 of the Basin Plan states “The discharge of untreated sewage to any surface water stream, natural or man-made, or to any drainage system intended to convey stormwater runoff to surface water streams, is prohibited.” This statement should be revised to include lakes, reservoirs, and tributaries thereto.

Estimated Resources:

Staff time: 0.1 PY
Contract \$: none
Duration: 1 year

Issue No. 26

Update Chapter 5 Disposal of Hazardous and Nonhazardous Waste to reflect loss of SWAT program.

The final section of Chapter 5 references the Solid Waste Assessment Test (SWAT) program, which was implemented in 1985. The purpose of the SWAT program was to determine whether

hazardous or toxic substances above regulatory thresholds, or any other constituents which may threaten water quality, were migrating from a solid waste disposal facility. As of 1995, funding for this program ceased and is not expected to be reinstated. The Basin Plan should be amended to reflect this change.

Estimated Resources:

Staff time:	0.05 PY
Contract \$:	none
<u>Duration:</u>	1 year

Issue No. 27

Consider need for clarification of Chapter 5 Minimum Lot Size Requirements and Exemption Criteria for New Developments (using onsite sewage disposal systems).

There are areas in the Region where residential development is occurring on small lots where sanitary sewers are not available. Because of economic factors, there continues to be a demand for this type of development. Studies have shown that high density developments relying on on-site sewage disposal systems (OSDS) impact water quality by increasing concentrations of nitrates in groundwater. As a result, in 1989, the Board adopted Resolution No. 89-157 and amended the Basin Plan to require one-half acre minimum lots for new developments using OSDS. The Regional Board also adopted and subsequently revised certain criteria for exemptions from this lot size requirement. It is not clear that county and municipal planning and building authorities have applied the minimum lot size requirements and exemption criteria consistently and correctly, in part perhaps because of a lack of clarity in the requirements themselves. Board staff is addressing this matter with the involved agencies and may recommend some clarifications of the requirements.

Estimated Resources:

Staff time:	0.1 PY
Contract \$:	none
<u>Duration:</u>	1 year

Issue No. 28

Update the SLIC Program discussion in the Basin Plan.

The Basin Plan currently contains a description of the SLIC program, the Regional Board's program to address groundwater contamination from volatile organic compounds (VOCs). The information/data in the description need to be updated to reflect current conditions.

Estimated Resources:

Staff time:	0.05 PY
Contract \$:	none
<u>Duration:</u>	1 year

Issue No. 29

Update nutrient objectives for Basin.

Currently, the Basin Plan has a general narrative statement concerning nutrient objectives for enclosed bays, estuaries, and inland surface waters which reads, "Waste discharges shall not contribute to excessive algal growth in bays, estuaries, and inland surface waters." The Basin Plan has surface water quality objectives for un-ionized ammonia, for protection of COLD and WARM beneficial uses, and for total inorganic nitrogen, for protection of the MUN beneficial use.

At this time, the Basin Plan does not have region-wide objectives for phosphorus and forms of nitrogen that, as plant nutrients, can cause excessive growth of algae and/or other aquatic plants.

The USEPA has published new nutrient criteria recommendations, intended to prevent over-enrichment of surface waters and to protect human and animal health. In January 2001, USEPA recommended that each State develop a nutrient criteria development plan to outline the process, including a mutually agreed upon schedule, by which the states intend to adopt nutrient criteria reflecting USEPA's recommendations into its water quality standards. By the end of 2004, USEPA will evaluate states' progress against their respective plans. USEPA intends to propose to promulgate nutrient water quality criteria, relying substantially on the Clean Water Act Section 304 (a) criteria, when a state has not made substantial progress toward adopting such criteria, if USEPA determines that it is necessary to do so.

Currently, the USEPA is working with the SWRCB and RWQCBs on nutrient criteria development plans for California. The SWRCB is coordinating this effort. Staff of this Regional Board are working with SWRCB staff on this task.

Estimated Resources:

Staff time:	1 PY
Contract \$:	none
<u>Duration:</u>	1 years

Attachment D – Response to Comments

This attachment will be provided separately prior to the July 19, 2002 Board meeting.

Attachment E – Stakeholder Correspondence



COUNTY OF ORANGE
PUBLIC FACILITIES & RESOURCES DEPARTMENT

Vicki L. Wilson, Director
300 N. Flower Street
Santa Ana, CA
P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5188

June 13, 2002

Mr. Gerard Thibeault, Executive Director
California RWQCB, Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Subject: Support for Priority Basin Planning Activities, Including the 2002 Basin Plan Triennial Review

Dear Mr. Thibeault:

We are in receipt of a Notice of Stakeholder Meeting dated May 29, 2002, in which the California Regional Water Quality Control Board, Santa Ana Region, announced a public meeting to be held on June 14, 2002 regarding the upcoming Triennial Review of the agency's Basin Plan. As the agency's notice states, the purpose of the June 14 meeting is to provide an opportunity for interested parties to indicate their interest and willingness to support basin planning priority activities in addition to those activities which the agency believes it will be able to support with its internal resources. This letter is to express our interest in this regard and to extend our appreciation to the agency for making this opportunity available. We look forward to meeting with you on this very important topic this Friday.

Since we are only one of many stakeholders within the region, we believe that successful Triennial Review necessarily requires that the process take into account and respect the different perspectives that various stakeholder groups may have. Because of the very limited timeframe between the Board's notice and the meeting this Friday, we have had an opportunity to reach out to a limited number of stakeholders and would like to coordinate this important undertaking with others who may be interested. However, we wish to emphasize our commitment to do so as this process moves forward and as a scope of work is developed and implemented. We hope the Regional Board on June 14 will share with us its ideas as to process and participation protocols that will accommodate various stakeholder interests, putting us all on a path towards consensus and, thus, success.

In this regard, we have contacted the following public agencies who have indicated interest in participating in updating the basin plan.

- Riverside County Flood Control District and Water Conservation District
- San Bernardino Flood Control District
- Irvine Ranch Water District
- City of Irvine

- City of Santa Ana
- City of Tustin
- City of Lake Forest
- City of Newport Beach

In addition, representatives of Business and Industry have also voiced interest in participating in the update of the Basin Plan.

We are all interested in initiating a dialog with your staff to determine the process that is being envisioned for stakeholder participation. Obviously, we are all interested in determining the level of participation one can expect to have before contributing financially toward the update of the Basin Plan. An outline from the Regional Board on how it envisions implementing this collaborative process will help to solidify the support for financial participation. We look forward to working with the Regional Board on this important effort.

Sincerely,



for Vicki L. Wilson
Director

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cc: Larry McKenney -- County of Orange
Bob Woodings -- City of Lake Forest
Christine Diemer Iger -- Manatt, Phelps & Phillips
Jim Ross -- City of Santa Ana
Skip Tracy -- City of Irvine
Tim Serlet -- City of Tustin
Mark Carroll -- City of Irvine
John Hills -- Irvine Ranch Water District
Sat Tamaribuchi -- The Irvine Company
Aaron and Harley Knox -- Harley Knox & Associates
Andrea De Leon -- Inland Strategy
Susan Paulsen
David Friedman



ALLISON H. HART, City Manager

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

SANTA ANA REGION	
REC'D	DATE
	JUN 18 2002
MGA	MGA 6-20
DSW	

June 12, 2002

Mr. Gerard Thibeault
Executive Director
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

**Subject: Support for Priority Basin Planning Activities, Including the 2002
Basin Plan Triennial Review**

Dear Mr. Thibeault:

We are in receipt of your notice for the upcoming stakeholder meeting in Riverside on June 14, 2002, and we want to thank you for inviting us to attend. We understand the purpose of this meeting is to discuss the extent to which the stakeholders are willing to assist in expediting basin plan priority activities through the use of consultants retained by the Regional Board.

This letter is to express our intention to become active participants in this and any subsequent meetings intended to expedite basin planning priority activities. The development of scientifically accurate information is the cornerstone of the basin planning process and meetings to expedite this are a step in the right direction.

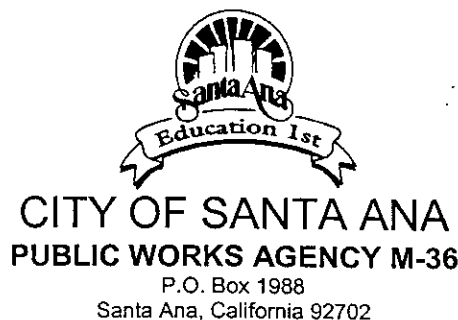
Once again, we appreciate the opportunity to participate in this process and we look forward to meeting with you on Friday.

Sincerely,

ALLISON HART
City Manager

c: Judy Vonada, Assistant City Manager
James H. Eldridge, Director of Public Works
Mark Carroll, P.E., City Engineer
Mike Loving, Senior Project Manager

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Patricia A. McGuigan
COUNCILMEMBERS
Claudia C. Alvarez
Lisa Bist
Alberta D. Christy
Brett Franklin
Jose Solorio



CITY MANAGER
David N. Ream
CITY ATTORNEY
Joseph W. Fletcher
CLERK OF THE COUNCIL
Patricia E. Healy

June 13, 2002

SANTA ANA REGION	
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Mr. Gerard Thibeault, Executive Director
California RWQCB, Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Subject: Support for Priority Basin Planning Activities, Including the 2002 Basin
Plan Triennial Review

Dear Mr. Thibeault:

This letter is in response to your notice of a public meeting with Region's stakeholders to provide an opportunity for interested parties to indicate their interest and willingness to support basin planning priority activities.

We are very interested in initiating a dialog with your staff to determine the process that is being envisioned for stakeholder participations. Obviously, we are all interested in determining the level of participations one can expect to have before contributing financially toward the update of the Basin Plan. An outline by the Regional Board on how it envisions to implement this collaborative process will help to solidify the support for financial participations. We look forward to working with the Regional Board on this important effort.

If you have any questions, please contact me at (714) 647-5654.

Sincerely,

James G. Ross
Executive Director, Public Works Agency

C: Irvine Ranch Water District
City of Irvine
County of Orange
City of Tustin
City of Lake Forest
City of Newport Beach

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Gerard Thibeault, Executive
Officer
California Regional Water
Quality Control Board

(909) 781-6288

From:

Christine Diemer Iger

Date:

June 13, 2002

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If you do not receive all of the pages please call (714) 371-2500 as soon as possible. Thank you

Sender's Comments:

Please see the following correspondence.

KJB ✓
MGA ✓
DGW

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June 13, 2002

Client-Matter: 23762-032

VIA FACSIMILE (909) 781-6288 AND U.S. MAIL

Mr. Gerard J. Thibeault
Executive Officer
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, California 92501

**Re: Support for Priority Basin Planning Activities, Including the 2002 Basin Plan
Triennial Review**

Dear Mr. Thibeault:

I am writing on behalf of the Southern California Water Quality Coalition, an ad hoc coalition (the "Coalition"). Our firm represents the Coalition.

The membership of the Coalition currently consists of twenty-one organizations. This includes: the California Association of Community Managers, Inc. ("CACM"), the Community Associations Institute, Orange County Regional Chapter ("CAI/OC"), the Community Associations Institute, Greater Inland Empire Chapter ("CAI/GRIE"), the Apartment Association of Orange County ("AAOC"), the Apartment Association of the Greater Inland Empire ("AAGIE"), the Orange County Housing Providers ("OCHP"), the four corporations that comprise Leisure World/Laguna Woods: Golden Rain Foundation ("GRF"), Third Laguna Hills Mutual ("TLHM"), United Laguna Hills Mutual ("ULHM"), and Laguna Woods Mutual Fifty ("LWM50"), the Orange County Association of Realtors ("OCAR"), the South Orange County Regional Chambers of Commerce ("SOCRCC"), the Redlands Chamber of Commerce ("RCOC"), the Los Angeles Area Chamber of Commerce ("LAACC"), the Anaheim Chamber of Commerce ("ACOC"), the Building Industry Association of Southern California, Orange County Chapter ("BIA/OC"), the National Association of Industrial and Office Properties, Southern California Chapter ("NAIOP/SC"), the Orange County Business Council ("OCBC"), the Building Industry Association of Southern California, Baldy View Chapter ("BIA/BV"), the Building Industry Association, Riverside Chapter ("BIA/R"), and the Asphalt Pavement Association ("APA"). These organizations work to provide the necessary infrastructure and support for business and residential needs throughout the state and, in particular, Southern California.

The membership of the Coalition has a direct interest in the basin planning activities. The following description of each organization in the Coalition clearly demonstrates the widespread interest by the private sector in the Board's actions on this matter.

The CACM is a professional trade association, statewide in scope, whose membership consists of community association managers and association practitioners who service the over 33,000 community associations in California.

650 Town Center Drive, Suite 1250, Costa Mesa, California 92626 Telephone: 714.371.2500 Fax: 714.371.2550
Los Angeles | Mexico City | Monterrey | Orange County | Palo Alto | Sacramento | Washington, D.C.



Mr. Gerard J. Thibeault
June 13, 2002
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CAI/OC was formed in 1976 as the first CAI chapter and is one of the largest in the nation with more than 650 members including condominium and homeowner associations, cooperatives and association-governed planned communities of all sizes and architectural types; individual homeowners; community association managers and management firms; public officials; and lawyers, accountants, engineers, reserve specialists, builder/ developers and other providers of professional services and products for community associations.

CAI/GRIE was established in 1990 and represents 325 members including condominium and homeowner associations, cooperatives and association-governed planned communities of all sizes and architectural types; individual homeowners; community association managers and management firms; public officials; and lawyers, accountants, engineers, reserve specialists, builder/ developers and other providers of professional services and products for community associations.

The AAOC was established in 1961 and represents over 3,000 apartment owners and management companies.

The AAGIE, with over 1000 members, is dedicated to protecting the rights of residential income property owners and managers. Since 1967 AAGIE has worked as an educator and communicator for all rental housing issues, promoting high professional standards and sound business practices for the benefit of everyone in the industry.

The OCHP is a coalition of organizations dedicated to serving the housing needs of Orange County. OCHP members provide a broad range of housing types and prices including new and resale single family residential, apartments and manufactured homes. OCHP is committed to providing quality housing for all Orange County residents.

GRF is a California non-profit corporation that oversees the management and maintenance of the facilities and services within LW Laguna Woods which are shared by all residents.

TLHM is a California non-profit condominium housing corporation which includes over 6100 condominium memberships and governs the maintenance of common areas within designated boundaries.

ULHM is a non-profit cooperative housing corporation consisting of over 6300 cooperative memberships and which owns and manages all real property within the original 21 cooperative mutuals.

LWM50 is a non-profit condominium housing corporation which consists of approximately 311 condominium memberships and which has special in-house services and an on-site manager.



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OCAR counts over 6,000 real estate professionals in the Orange County area – from Huntington Beach/Fountain Valley to San Clemente as its members. The Association, through collective action, works to promote the preservation of real property rights and serves its membership by developing and promoting programs and services that enhances the members' ability to conduct their individual businesses successfully, with both integrity and competency.

The SOCRCC is 900+ members strong with five affiliated chambers in the cities of Aliso Viejo, Laguna Hills, Lake Forest, Mission Viejo and Rancho Santa Margarita.

The RCOC, currently comprised of 720 businesses, has been a leading trade organization in San Bernardino County for 108 years. Serving a community of over 63,000 people, the RCOC acts as a support and advocate for the Redlands business community.

The LAACC, with more than 1300 members, works to improve the business climate of Los Angeles by giving businesses the opportunity to thrive. The LAACC works with the local, state and federal governments to create the most beneficial environment for growing your business. It lobbies on behalf of issues effecting the businesses and community of Los Angeles. The LAACC also works to help its member businesses grow through numerous business-development programs that connect businesses with products and services and potential clients and partners.

The ACOC, with 900 members that represent over 100,000 employees, unites business people to positively influence the business climate of the area and increase the power of the business community as a legislative force. Through the Chamber's committees and task forces, it is able to communicate to elected officials at the local, state, and national levels.

The BIA/OC is a nonprofit trade association consisting of more than 1,000 companies and more than 60,000 employees in the business of providing homes to the residents of Southern California. The BIA/OC membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

The NAIOP/SC is part of a network of 46 chapters representing more than 9,000 commercial real estate members across the United States and Canada. The NAIOP/SC represents the interests of developers, owners, investors, managers, brokers, attorneys, architects, lenders, contractors and public officials in preserving and shaping the commercial real estate industry. The NAIOP/SC encompasses nearly 600 members making it the second largest NAIOP chapter in the country and the second largest real estate trade organization in Southern California.

OCBC is the leading business organization in Orange County, California. OCBC is an alliance of companies and public sector partners who represent hundreds of local enterprises from small businesses to multi-national companies. OCBC brings business together, often in conjunction with the government and educational institutions, to promote and invest in the economic growth and prosperity of Southern California.

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BIA/BV is a nonprofit trade association consisting of over 240 companies in the business of providing homes to the residents of Southern California. The BIA/BV membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

BIA/R is a nonprofit trade association consisting of over 300 companies in the business of providing homes to the residents of Southern California. The BIA/R membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

The APA is a California non-profit trade association composed of Hot Mix Asphalt Producers, Asphalt Refiners, Asphalt Paving Contractors and affiliated companies serving the California market.

We are writing about the public meeting to be held on June 14, 2002 regarding the upcoming Triennial Review of the agency's Basin Plan. It is our understanding the purpose of the June 14 meeting is to explore resources for basin planning priority activities.

The Coalition is interested in participating in the basin planning priority process. We believe that successful Triennial Review requires that the process take into account the different perspectives that various stakeholder groups may have, including the interests of the private sector members represented in the Coalition. We are looking forward to assisting you as a scope of work is developed and implemented. Ultimately, we believe all stakeholder interests should be involved in the process to achieve a successful basin plan update.

We look forward to working with the Regional Board on this important effort. Please feel free to contact me if you have any questions.

Sincerely,



Christine Diemer Iger, Esq.
Partner

CDI:pmt

cc: Coalition Members